

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CHRISTOPHER C JOHNSON.,)	Case No:
)	
Plaintiff,)	COMPLAINT
vs.)	
AMSHER COLLECTION SERVICES INC.)	3:24-cv-05071-TMC
)	
Defendant.)	Jury Trial: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
)	
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INTRODUCTION

1. This is a civil action for actual, punitive, statutory damages and cost brought by Christopher C. Johnson hereinafter, ("Plaintiff") an individual consumer, against defendants, Amsher Collection Services Inc., hereinafter ("Defendant") for violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 et seq. (hereinafter "FCRA").

BASIS OF JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C § 1681(p), and 28 U. S. C § 1331. Venue is proper in this judicial district pursuant to 28 U.S.C. 1391(b)(1) and 28 U.S.C. §

1 1391(b)(2) because a substantial part of the events, omissions, or conduct giving rise to Plaintiff
2 claim occurred in this judicial district. Defendants transact business in Puyallup, WA.

3
4 3. The Court has supplemental jurisdiction of any state law claims pursuant to 28 U.S.C.
5 §1367.

6 **PARTIES**

7
8 4. Plaintiff, Christopher C. Johnson is a natural person and consumer as defined by 15
9 U.S.C. § 1681a(c), residing in Puyallup, WA.

10
11 5. Upon information and belief, Amsher Collection Services INC. is an Alabama
12 corporation. Amsher Collection Services INC. accepts service of process through its registered
13 agent Corporation Service Company located at 300 Deschutes Way SW. STE 208, Tumwater,
14 WA, 98501.

15 6. The acts of Defendants as described in this Complaint were performed by Defendants
16 or on Defendant's behalf by its owners, officers, agents, and/or employees acting within the
17 scope of their actual or apparent authority. As such, all references to "Defendants" in this
18 Complaint shall mean Defendants or their owners, officers, agents, and/or employees.

19
20 **FACTUAL ALLEGATIONS**

21 ***Existence of a Consumer Report***

1 7. On or about 3/1/2021, a consumer report pertaining to Plaintiff was generated and
2 maintained by Transunion, a consumer reporting agency as defined by 15 U.S.C. § 1681a(f) See
3 Exhibit A.

4 *Defendant's Access to the Consumer Report*

5 8. In the report the Plaintiff observed an unauthorized inquiry from Defendant.

6 9. Defendant accessed Plaintiff's consumer report from Transunion on 1/2/2020 See
7 Exhibit A.

8 *Lack of Permissible Statutory Purpose*

9
10 10. Defendant accessed Plaintiff's consumer report without a permissible purpose, as
11 required by 15 U.S.C. § 1681b(f).

12
13 11. Discovery will show the plaintiff had no existing business relationship, contractual
14 obligation, or any other transaction with Defendant that would allow for such an inquiry under
15 15 U.S.C. § 1681b(a)(3)(A) or any other provision.

16
17 12. Discovery will show that defendant was neither retained by a creditor with whom
18 Plaintiff had initiated a transaction nor involved in any collection activities pertaining to a debt
19 initiated by Plaintiff, thus failing to establish a permissible purpose for accessing Plaintiff's
20 consumer report.
21

1 13. Upon accessing Plaintiff's consumer report, Defendant did not take any follow-up
2 actions, such as sending a collection notice, thereby indicating a lack of permissible purpose for
3 the inquiry.

4
5 14. Discovery will show Plaintiff never initiated a consumer credit transaction with
6 Defendant nor had an account with the defendant.

7
8 15. Discovery will show Plaintiff never gave any consent to Defendant to access his
9 consumer report.

10 *Requisite Mental State (Willfulness)*

11 16. Defendant was aware or should have been aware of their obligations under the FCRA
12 to access consumer reports only for permissible purposes.

13 17. Discovery will show despite this knowledge, Defendant intentionally or recklessly
14 disregarded their obligations under the FCRA and did not verify a purported debt or take other
15 actions that would constitute a permissible purpose for accessing Plaintiff's consumer report.

16
17 18. Discovery will show Defendant violation was not isolated but part of a pattern or
18 practice, as evidenced by multiple consumer complaints lodged against the company for similar
19 unauthorized access to consumer reports further demonstrating willfulness.
20
21

Damages

19. Plaintiff's injury is "particularized" and "actual" in that the conduct that deprived Plaintiff of his rights was directed by Defendant to Plaintiff specifically.

20. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff has suffered emotional distress from the Defendants unauthorized access of his credit report.

21. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff has suffered an invasion of his privacy. This intrusion into the Plaintiffs personal information has caused a feeling of vulnerability, worry and anxiety which lead to sleeplessness and headaches.

22. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff has suffered fear and anger over the invasion of his privacy.

23. Plaintiff's injury is "particularized" and "actual" in that the Plaintiff has suffered loss of time into research and learning to defend against the defendant's invasion of privacy.

24. Plaintiff's injury is directly traceable to defendant's conduct because if it weren't for the defendant's conduct, Plaintiff would not have been deprived of his rights and would not have been subject to the emotional distress, anxiety, worry and invasion of privacy caused by the defendant's actions.

25. The deprivation of Plaintiff's rights will be redressed by a favorable decision

1 herein.

2
3 26. A favorable decision herein would redress Plaintiff's injury with money damages.

4
5 27. A favorable decision herein would serve to deter Defendant from further similar
6 conduct.

7 **COUNT 1 VIOLATION OF THE FAIR CREDIT REPORTING ACT**
8 **15 U.S.C § 1681b(f) DEFENDANT AMSHER COLLECTION SERVICES INC.**

9 28. All preceding paragraphs are realleged.

10
11 29. On or about 3/1/2021, a consumer report pertaining to Plaintiff was generated and
12 maintained by Transunion, a consumer reporting agency as defined by 15 U.S.C. § 1681a(f).

13 30. Defendant accessed Plaintiff's consumer report on or about 1/02/2020.

14
15 31. Defendant accessed Plaintiff's consumer report without a permissible purpose as
16 required by 15 U.S.C. § 1681b(f).

17
18 32. Plaintiff had no existing business relationship, contractual obligation, or any other
19 transaction with Amsher Collection Services INC. that would allow for such an inquiry under 15
20 U.S.C. § 1681b(a)(3)(A) or any other provision.
21

1 33. Defendant was neither retained by a creditor with whom Plaintiff had initiated a
2 transaction nor involved in any collection activities pertaining to a debt initiated by Plaintiff,
3 thereby failing to establish a permissible purpose for accessing Plaintiff's consumer report.

4 34. Defendant was aware or should have been aware of their obligations under the FCRA
5 to access consumer reports only for permissible purposes.

6
7 35. Despite this knowledge, Defendant intentionally or recklessly disregarded their
8 obligations under the FCRA and did not verify the purported debt or take other actions that
9 would constitute a permissible purpose for accessing Plaintiff's consumer report.

10 36. Defendant actions were not isolated but part of a pattern or practice, further
11 demonstrating willfulness.

12
13 37. As a direct result of Defendant violation of 15 U.S.C § 1681b(f), Plaintiff has
14 suffered actual damages of emotional distress, invasion of privacy, loss of time, court cost, is
15 entitled to statutory damages, and punitive damages, as provided by 15 U.S.C § 1681n(a) and
16 1681o.

17 **COUNT II: INVASION OF PRIVACY (INTRUSION UPON SECLUSION)**
18 **DEFENDANT AMSHER COLLECTION SERVICES INC.**

19 38. In the alternative, without waiving any of the other causes of action herein, without
20 waiving any procedural, contractual, statutory, or common-law right, and incorporating all other
21

1 allegations herein to the extent they are not inconsistent with the cause of action pled here,
2 Defendant is liable to Plaintiff for invading Plaintiff's privacy (intrusion upon seclusion).
3 Defendant intentionally intruded on Plaintiff's solitude, seclusion, or private affairs, and such
4 intrusion would be highly offensive to a reasonable person.

5 39. Defendant invaded the privacy of the Plaintiff when they willfully accessed the
6 Plaintiffs consumer report without a permissible purpose.

7
8 40. Plaintiff suffered actual damages of invasion of privacy as a result of the Defendants
9 intrusion.

10
11 **JURY DEMAND AND PRAYER FOR RELIEF**

12
13 Wherefore, Plaintiff Christopher C. Johnson, respectfully demands a jury trial and
14 request that judgment be entered in favor of the Plaintiff against the Defendants for:

- 15
16 (a) Actual damages, statutory damages, and potentially punitive damages for violations
17 of 15 U.S.C § 1681b(f), as provided by 15 U.S.C §1681n(a) and 1681o.
18 (b) Actual damages for Invasion of Privacy (Intrusion upon Seclusion)
19
20
21

CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date: 1-24-2028



Christopher C Johnson
5613 121st Street Court APT 1
Puyallup, WA 98373
cejay80@gmail.com

E X H I B I T A

3/1/2021

TransUnion Credit Report

901 MARQUETTE AVE
SUITE 3200
MINNEAPOLIS, MN 55402
(800) 319-4433

Requested On: 02/26/2021

TRANSUNION INTERACTIVE

100 CROSS STREET
SUITE 202
SAN LUIS OBISPO, CA 93401
(805) 782-8282

Requested On: 01/31/2021, 09/22/2020, 09/05/2020, 08/09/2020

CREDITCARDS.COM

9600 N MOPAC EXPY
SNIDGE PLAZA 2 SUITE 500
AUSTIN, TX 78759
(512) 996-8663

Requested On: 12/08/2020

TRANSUNION INTERACTIVE

100 CROSS STREET 202
SAN LUIS OBISPO, CA 93401
(800) 493-2392

Requested On: 12/01/2020, 10/26/2020

FACTACT FREE DISCLOSURE

P O BOX 1000
CHESTER, PA 19016
(800) 888-4213

Requested On: 11/06/2020

CARVANA LLC

1930 W RIO SALADO PKWY
TEMPE, AZ 85281
(800) 333-4554

Requested On: 10/05/2020

CAPITAL ONE

P.O. BOX 259407
PLANO, TX 75025
(800) 689-1789

Requested On: 09/30/2020

CONTINENTAL FIN CO

4550 NEW LINDEN HILL ROAD
4TH FLOOR STE 400
WILMINGTON, DE 19808
(866) 449-4514

Requested On: 09/22/2020

NAVY FCU

820 FOLLIN LANE
VIENNA, VA 22180
(888) 842-6328

Requested On: 09/06/2020

CAPITAL ONE

PO BOX 30281
SALT LAKE CITY, UT 84130
(800) 955-7070

Requested On: 09/05/2020, 02/07/2020

TRANSUNION INTERACTIVE

100 CROSS STREET
SUITE 202
SAN LUIS OBISPO, CA 93401
(805) 782-8282

Requested On: 08/13/2020

LENDINGPOINT LLC

1301 SHILOH RD NW
SUITE 130
KENNESAW, GA 30144
(713) 294-2940

Requested On: 05/29/2020

AMSHER COLLECTIONS

4524 SOUTHLAKE PARKWAY
SUITE 15
HOOVER, AL 35244
(800) 955-7632

Requested On: 01/02/2020

100 CROSS STREET 202
SAN LUIS OBISPO, CA 93401
(800) 493-2392

Requested On: 02/07/2021, 01/07/2021, 12/07/2020, 11/07/2020,
10/07/2020, 09/07/2020

SYNCHRONY BANK

PO BOX 628406
ORLANDO, FL 32862
(855) 411-4729

Requested On: 12/12/2020

CAPITAL ONE

15000 CAPITAL ONE DRIVE
US364412
RICHMOND, VA 23238
(800) 955-7070

Requested On: 12/01/2020, 09/05/2020, 02/07/2020

LENDING CLUB NBT

595 MARKET ST
STE 400
SAN FRANCISCO, CA 94105
(607) 337-6107

Requested On: 11/11/2020

ALLY FINANCIAL

200 RENAISSANCE CTR
DETROIT, MI 48265
(866) 710-4623

Requested On: 10/26/2020

FISERV CHECKFREE CORP

6000 PERIMETER DR
DUBLIN, OH 43017
(877) 347-8346

Requested On: 10/02/2020

GENFS CARD

PO BOX 4499
BEAVERTON, OR 97076
(866) 453-8636

Requested On: 09/23/2020, 08/09/2020

TUCI - DC TARGETED

100 CROSS STREET
SUITE 101
SAN LUIS OBISPO, CA 93401
(844) 580-6816

Requested On: 09/15/2020, 08/13/2020

P1137717913E13117818 VIA CONSUMERINFO

535 ANTON BLVD SUITE 100
COSTA MESA, CA 92626
(949) 567-3762

Requested On: 09/06/2020, 08/21/2020, 08/20/2020, 08/13/2020

PROGREXION VIA PROGREXION ASG INC

330 N CUTLER DRIVE
NORTH SALT LAKE, UT 84054
(888) 586-0184

Requested On: 09/05/2020

FTSELF LENDER INC.

101 W 6TH STREET
SUITE 517
AUSTIN, TX 78701
(877) 883-0999

Requested On: 08/09/2020

WEBBANKAVANT LLC

222 N LASALLE ST
SUITE 1600
CHICAGO, IL 60601
(800) 712-5407

Requested On: 05/29/2020

TD AMERITRADE

PO BOX 280
OMAHA, NE 68103
(800) 454-9272

Requested On: 07/18/2019

Credit Report Messages

Your credit report contains the following messages.

PROMOTIONAL OPT-OUT: This file has been opted out of promotional lists supplied by TransUnion.
(Note: This opt-out has no expiration date.)